



FREDERICK COUNTY PLANNING COMMISSION

January 13th, 2021

TITLE: **Remax Urbana**

FILE NUMBER: **SP12-03 AP SP260406**

REQUEST: **Concept Plan Approval**

The Applicant is requesting Concept Plan approval for a 5,180 sq. ft. addition to an existing 3,200 sq. ft. professional office building located on a 0.47-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 3527 Urbana Pike, approximately 1,200 ft. west of Sugarloaf Parkway
TAX MAP/PARCEL: Tax Map 96, Parcel 118
COMP. PLAN: VC – Village Center
ZONING: VC – Village Center
PLANNING REGION: Urbana
WATER/SEWER: W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT: PAK Holdings LLC
OWNER: Paul Katrivanos
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: Archive Design Services, Inc.
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – Concept Plan Renderings
Exhibit #2 – Exterior Renderings
Exhibit #3 – Zoning Administrator Correspondence
Exhibit #4 – Office Use Letter

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Concept Plan approval for a 5,180 sq. ft. addition to an existing 3,200 sq. ft. professional office building located on a 0.47-acre Site. The proposed use being reviewed is “**Professional Office**” under the heading of **Commercial Business and Personal Services** per § 1-19-5.310 of the Zoning Ordinance. The proposed use is a principal permitted use subject to Site Development Plan approval.

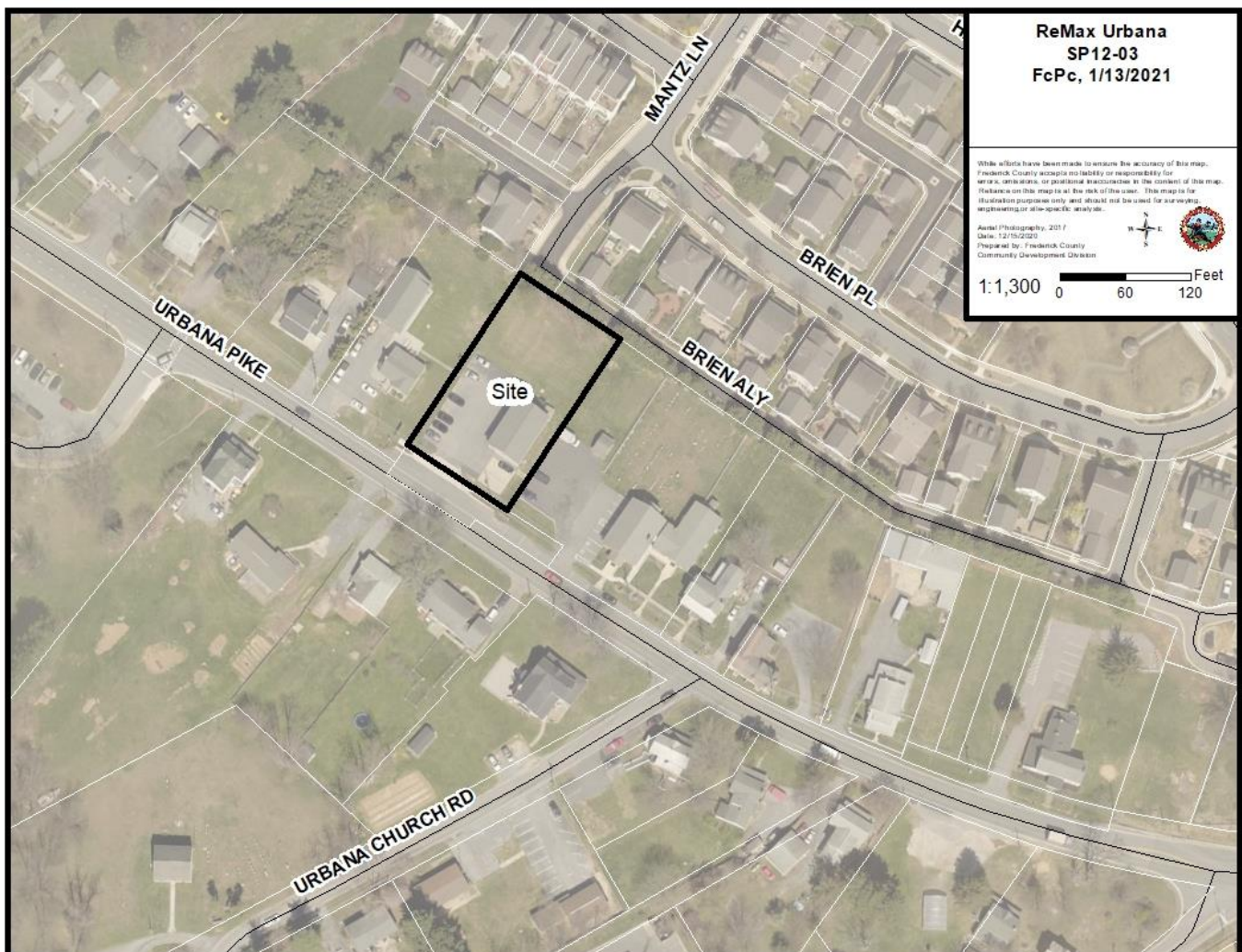
BACKGROUND

Development History

The Site was originally zoned R-2 Urban Residence District from 1959 to 1977. The 1977 zoning maps indicate the property was rezoned to VC – Village Center District and has remained VC through today. The structure at 3527 Urbana Pike is currently being used as a professional office building. The Site received Type II Site Development Plan approval in 2012 to construct an additional story to the previously 1 story building. The building is currently two stories. See Graphic #1 below.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission for Concept Plan Approval. This Concept Plan must demonstrate how the proposed office building will meet development standards listed in §1-19-7.500(C).

Graphic #1: Aerial



The intent of the application is to expand the existing two-story structure by constructing a 5,180 sq. ft. two story addition (a combined total for both the front and rear additions to the existing building). The result will be a two-story building with a footprint of 4,190 sq. ft. and 8,380 sq. ft. of total professional office space.

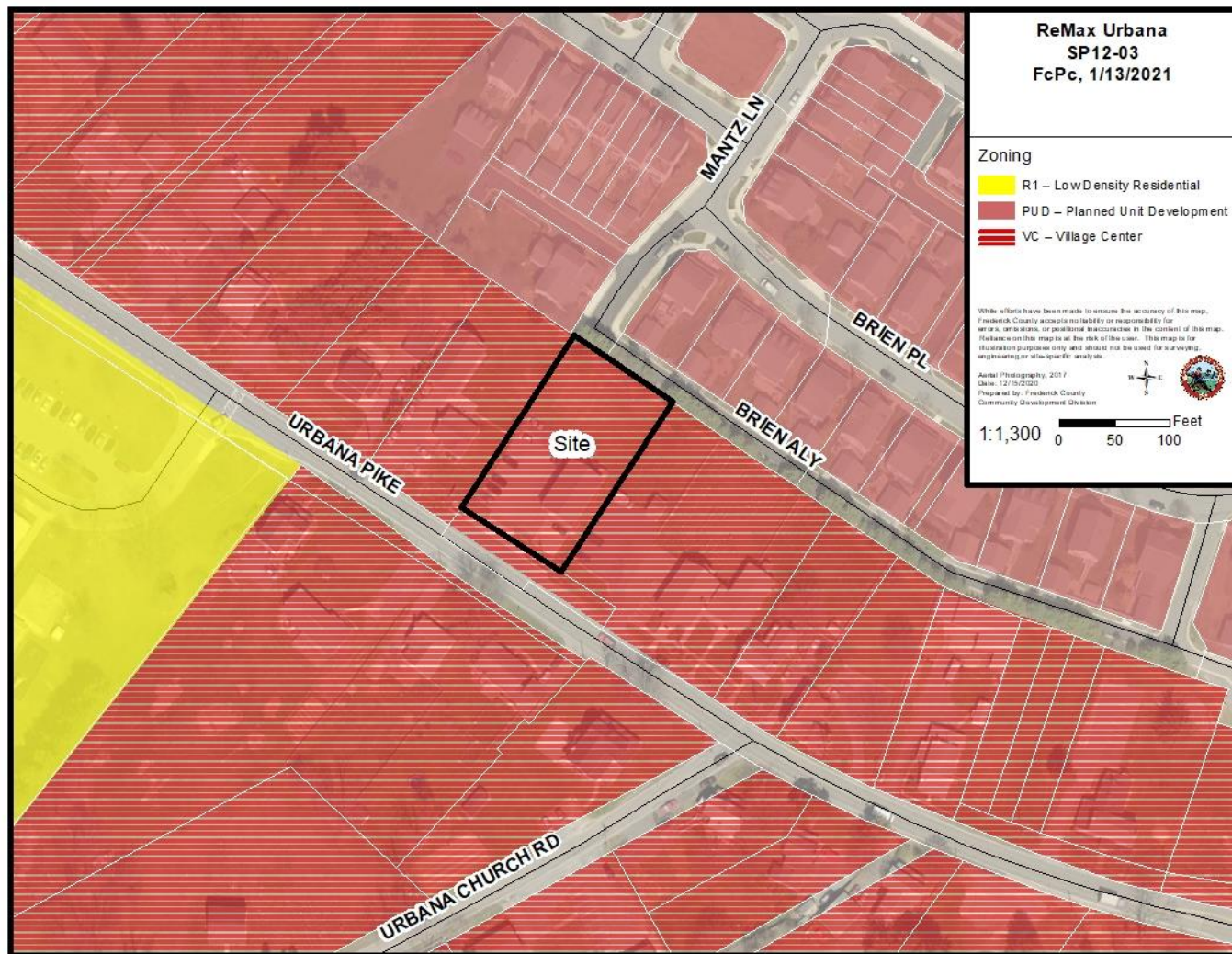
The adjoining parcel (Urbana One) to the west received Planning Commission conditional approval in October 2019. Both projects are proposed to be working together in terms of shared parking and pedestrian connections.

Existing Site Characteristics

The Site is currently occupied by the existing commercial building, a paved parking area for approximately 20 vehicles, a single driveway access onto Urbana Pike, and a line of evergreen trees along the northern property boundary.

The Site is zoned VC - Village Center with a County Comprehensive Plan land use designation of Village Center. Surrounding land uses include: The Villages of Urbana, to the north (zoned PUD), an approved professional and medical office development to the west (zoned VC), Casabella Commons (mixed use development zoned VC) to the south of the Site. There are also single-family residential uses along Urbana Pike (zoned VC), the Urbana Elementary School (zoned R1), and non-residential uses including church and office uses (zoned VC) east and west of the Site. See Graphic #2 below.

Graphic #2: Zoning



ANALYSIS

Detailed Analysis of Development Standards Findings and Conclusions

Design Standards §1-19-7.500(C)(1):

All new development within the Village Center Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance. New development will use existing development as a guide when determining site development, layout, bulk, and form of proposed structures within the Village Center District. New development should be designed and built to reflect existing neighborhood characteristics including shape, height, massing, roof shapes, and door and window placement and proportions.

Findings and Conclusions

Site Development and Layout §1-19-7.500 (C)(3):

- Staff finds that the proposed orientation of the building allows for entrances facing the pedestrian path. The orientation mirrors neighboring Urbana One entrances.
- A faux door and residential lighting facing Urbana Pike maintain the appearance of a primary entrance along Urbana Pike and adjacent common areas.
- The proposed side and rear locations of the parking and the request for shared parking is consistent with the VC District guidelines.
- The pedestrian pathway from Mantz Lane (from the Woodlands at Urbana) runs through the Site to promote connection to businesses and residences along Urbana Pike.
- The Applicant notes that the refuse and recycling will be handled by a private hauler and will not be stored outside.

Building Massing and Bulk §1-19-7.500 (C)(4):

- Staff finds the proposed structure is generally consistent with the overall form of surrounding buildings and mirrors the “L” shaped form of Urbana One.
- The use of the gable roof, the roof overhangs, and pedestrian scaled features such as covered entries and residentially-scaled doors and windows are elements similar to those found on many older homes in Urbana’s VC District.
- Staff finds that the building does not include flat roofs, large undifferentiated facades or long plain wall sections. Architectural bump-outs/projections, roof variation, and landscaping were provided to add aesthetically pleasing details to the east facing façade.
- Staff finds that the proposed 4,190 sq. ft. footprint is similar to new and redeveloped buildings located along Urbana Pike and does not exceed the base footprint allowance of 5,000 sq. ft. for a non-residential use.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Dimensional standards for projects in the VC District are established during the Concept Plan review and approval and are determined on a site-by-site basis, using the adjoining and facing buildings as a guide. The average yard

setbacks of the nearest properties with principal structures taken from 3528 – 3524 Urbana Pike were determined to be:

Front Yard: 32 ft. Side Yard: 23 ft. Rear Yard: 164 ft. Height: 20'-6"

In addition to the setback averaging criteria described in the VC District, a further reduction of the eastern side yard setback was requested. The existing Remax structure has a 6 ft. side yard setback. The proposed new additions would result in a 4.7 ft. side yard setback at the proposed building's nearest point to the property line (at the front/right corner of the structure).

In accordance with section 1-19-7.500(B)(3), *Setbacks. Front, side, and rear setbacks will be determined based upon the average setbacks for structures located on all lots facing and adjacent to the proposed development, but in no event less than the specific minimum setbacks where provided in § 1-19-6.100.* The side yard setback for new construction in the Village Center District is 10 feet.

However, the ordinance also states in section (1-19-7.500(B)(3)(a)(1): *The Zoning Administrator may approve an increase or decrease in the minimum setback requirements where a specific finding is made that the increase or decrease is consistent with the purpose and intent of the Village Center Zoning District overlay standards in § 1-19-7.500.* Consulting with the Zoning Administrator, it was determined that the reduced side yard setback and building projections (5 ft.) for architectural purposes would be consistent with the intent of the Village Center District (see Exhibit #3). The Urbana Remax is reflecting a form and building placement similar to the neighboring Urbana One structure. The Urbana One development has an existing 6.9 ft. side yard setback, which was applied to the approved additions. The project was approved with a 6 ft. side yard setback.

Using the setback and height averaging criteria described in the VC District, the following dimensional requirements requested and provided for Remax Urbana are:

Front Yard: 25 ft. Side Yard: 4.7 ft. (5 ft. with architectural projection) Rear Yard: 41 ft.

The Applicant proposed a building height not to exceed 30 ft.

With the side yard determined, the Planning Commission must approve the remaining yard setbacks and height maximums. Staff recommends an approval for the setbacks listed above and reflected on the Site Plan.

2. Signage §1-19-6.320: The Applicant indicated that freestanding signage will be proposed but details have not been provided. The total amount of building frontage facing a public street is $(10)(\sqrt{F})$, where $F = 121$ feet along Urbana Pike. Therefore, the total allowable square footage signage is $(10)(\sqrt{121})$, or 110 sq. ft. The signage will be addressed under the Site Development Plan.

3. Landscaping §1-19-6.400:

- **Street Trees §1-19-6.400(A):** The code requires 1 street tree per 35 linear feet of road frontage, therefore requiring 3 street trees ($109 / 35 = 3.11$) along Urbana Pike. The Applicant is proposing 3 street trees in addition to trees in the green space along Urbana Pike. The street trees are proposed to be Eastern Redbud, which is not a typical street tree. The Applicant is proposing the smaller tree species due to the low-lying power lines in a similar manner to Urbana One.

Modification: A landscape modification to use Eastern Redbud as a street tree will be required as part of the future site development plan review and approval.

- **Land Use Buffering and Screening §1-19-6.400(B):** There are existing trees on the northern boundary of the property. Additional landscape screening is provided along the eastern property line to visually break up the long façade of the building.
 - **Parking Area Buffering and Screening §1-19-6.400(C):** The parking area is mostly shielded by shrubs facing Mantz Lane or the Remax building. Minor shrubs will be planted along Urbana Pike to help break up the parking lot frontage. The pedestrian path straddles the property line, which prevents additional shrubs to shield parking on the Remax Site.
 - **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy over the parking area, or 1,718 sq. ft. The Applicant is proposing 1,808 sq. ft. or 21% of tree canopy over the parking area. The Applicant is also displaying that Urbana One and the Remax Site meet the landscaping requirement independently of each other.
 - **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.
4. **Lighting §1-19-6.500:** There will be architectural mounted lighting near every entrance. The fixtures are proposed security lighting, which is exempt from the requirements in this section of the zoning ordinance.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The existing parking lot will be expanded and connected to the Urbana One property. Each property will have direct access to Urbana Pike.
2. **Connectivity §1-19-6.220(F):** There will be parking lot connection between the Urbana One property and the Remax Site. The two developments will be connected by drive aisle and pedestrian paths under a shared parking agreement.
3. **Public Transit:** This Site is not directly served by Transit. However, the Site is less than ½ mile from the Urbana Park and Ride lot, which provides weekday service with the Shady Grove Metro station and North Bethesda.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
An office use is required to provide 1 space per 300 sq. ft. of Gross Floor Area (GFA); therefore 8,380 sq. ft. requires 28 spaces. The Applicant is proposing 26 parking spaces on their property. Ten parking spaces will be shared with Urbana One and 16 spaces remain for the Remax Site. This leaves Remax with a shortage of 12 spaces. There will also be the use of one parking space on the street.

The neighboring property (Urbana One) is proposed for approximately 6,748 sq. ft. 2-story office building, which required 23 parking spaces. A parking modification was approved for Urbana One to use 10 parking spaces on the Remax Site under a shared parking agreement. At the time of the

Elementary School, Casabella Commons and other businesses along Urbana Pike. Sidewalks across the Urbana Pike frontage are also proposed and will provide further connection to the pedestrian network.

6. **Bicycle Parking §1-19-6.220 (H):** An office use requires 1 bicycle rack per 40,000 sq. ft. of GFA. Therefore, 1 bicycle rack is required. The Applicant is proposing 1 bicycle rack located by the stairs.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is currently classified W-4/S-4 and is served by a private well and septic system that will be abandoned.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is relatively flat.
2. **Vegetation:** There is an existing tree line located at the northeastern boundary of the Site.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There are no floodplains, wetlands, or wet soils indicated on the Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There are no required public common areas for a single use in this development. However, the Applicant is proposing 4,371 sq. ft. of green space and plaza area.
2. **Ownership:** The Site is privately owned by Pak Holdings, LLC.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: The Stormwater Management Plan and other engineering issues will be reviewed with future plans in accordance with Maryland Stormwater Management Act of

2007.

APFO – Chapter 1-20:

The Applicant will be required to meet all Adequate Public Facilities Ordinance (APFO) requirements at the time of Type I Site Development Plan review.

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan (AP #19348) which included the Urbana One property and the subject property. This FRO plan has been approved. FRO will be mitigated through the purchase of banking credits. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no historic buildings on the Site.

Findings/Conclusions – Based upon the review and analysis as provided above, Staff finds that the Concept Plan meets the Development Standards within the VC zoning district. Staff will continue to work with the Applicant as the project moves through the Type I Site Development Plan process to address all outstanding items as discussed within the Staff Report. Staff anticipates that the application will meet the site plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas at the time for formal application, if the Planning Commission grants the parking and landscaping modifications discussed above.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Department	Approved
Development Review Planning:	Approved
Div. of Utilities and Solid Waste Mgmt. (DUSWM):	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Remax Urbana Concept Plan.

Based upon the findings and conclusions as presented in the staff report the application meets Concept Plan approval criteria subject to the following conditions:

1. Address all agency comments as the plan proceeds through the review process.
2. Site Development Plan approval is required prior to development of the Professional Office building.
3. The FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **APPROVE** Concept Plan SP-12-03, AP SP260406 **with conditions** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1 – Concept Plan Renderings



Exhibit #2 – Exterior Renderings





From: Moore, Ashley <AMoore1@FrederickCountyMD.gov>
Sent: Tuesday, December 1, 2020 2:28 PM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Cc: Wilkins, Michael <MWilkins@FrederickCountyMD.gov>
Subject: Urbana Remax Side Yard Setback

Tolson,

During my review for the Concept Plan for Urbana Remax (SP12-03 AP#260406), I found eastern side yard setbacks ranging from 4.7 ft. to 6.9 ft. for the proposed addition to the existing Remax building. However, the side yard setback for new construction in the Village Center District is 10 feet. In accordance with section 1-19-7.500(B)(3), *Setbacks. Front, side, and rear setbacks will be determined based upon the average setbacks for structures located on all lots facing and adjacent to the proposed development, but in no event less than the specific minimum setbacks where provided in § 1-19-6.100.*

In this same section (1-19-7.500(B)(3)(a)(1), the ordinance states: *The Zoning Administrator may approve an increase or decrease in the minimum setback requirements where a specific finding is made that the increase or decrease is consistent with the purpose and intent of the Village Center Zoning District overlay standards in § 1-19-7.500.*

The existing Remax structure has a 6 ft. average side yard setback (the building is not completely parallel to the property line). As I mentioned above, the proposed new additions extending from the existing structure would result in a 6.9 ft. side yard setback in the back right corner and a 4.7 ft. side yard setback in the front right corner. There is a proposed reduction to an average of 5.35 ft. in the center of the building for a bump out to break up the long facade in accordance with section 1-19-7.500(C)(4)(f), *Building designs shall not include flat roofs, large expanses of undifferentiated facades, and long plain wall sections.*

For comparison purposes, the adjacent and recently approved Urbana One application (SP03-07 AP19690) was approved for a 6 ft. western side yard setback even though the average side yard setback for nearby structures was determined to be 23 ft. Urbana One's existing structure has a 6.9 ft. setback which was extended and applied to the additions. I believe in this particular part of the Village District, the Urbana Remax is essentially reflecting a form and building placement similar to the adjacent Urbana One structure.

Would you consider and agree that the decrease of the standard 10 ft. side yard setback to 4.7 ft. (being the closest proposed measurement), for the purposes of this application would be consistent with the intent of the Village Center Zoning District overlay standards? If you determine the decrease is not consistent, then the plan must be revised. If you determine the decrease is consistent, then this correspondence will be referenced on the concept plan, subsequent site plan, and saved in the system as a matter of record.

I've enclosed the approved Urbana One site plan and the proposed Urbana Remax concept plan in the most recent review cycle for your reference. If you need any additional details in regard to the Urbana One or Urbana Remax applications please let me know.

Ashley M. Moore
Principal Planner I
Frederick County Division of Planning and Permitting
Department of Development Review and Planning
30 North Market Street
Frederick, MD 21701
(301) 600-1165
AMoore1@FrederickCountyMD.gov

RE: Urbana Remax Side Yard Setback



DeSa, Tolson

Tue 12/1, 4:04 PM

Moore, Ashley; Wilkins, Michael

Reply all | ▾

Inbox

Hello Ashley,

Yes, I concur and agree that the change described below is consistent with the intent of the Village Center overlay standards.

Let me know if you have any questions or need anything further.

Regards,

Tolson DeSa

Zoning Administrator

301.600.1491

tdesa@frederickcountymd.gov

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3527 Urbana Pike
Frederick, MD 21704
Phone: (301) 874-5050
Fax: (240) 699-0141

To Whom it May Concern,

Re/Max Plus has 2 full time employees from the hours of 8am to 5pm Monday through Friday. There are 30 Agents licensed with Re/Max Plus. The agents are independent contractors and most work remotely; on average maybe 10 come into the office per week. If you need anything additional, please contact me at 301-874-5050.

Thank you,

A handwritten signature in black ink, appearing to read 'Paul Katrivanos', written over a horizontal line.

Paul Katrivanos
Broker/Owner